

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EMMANUEL A.J. REYES,

Plaintiff,

vs.

Civ. No. 24-00622 KG/GJF


MICHELLE A. KING¹,
Acting Commissioner of the Social Security
Administration,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 18), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$4,968.60 in attorney fees. *See* 28 U.S.C. § 2412(c)(1). *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).


CHIEF UNITED STATES DISTRICT JUDGE

¹ Commissioner Martin O'Malley's last day with the Agency was November 29, 2024, and Carolyn Colvin became Acting Commissioner. Subsequent to the appointment of Ms. Colvin, Michelle A. King was appointed Acting Commissioner of Social Security on January 20, 2025; thus, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, "the officer's successor is automatically substituted as a party."

SUBMITTED AND APPROVED BY:

Filed Electronically 1/24/25

Laura J. Johnson

Attorney for Plaintiff

Armstrong Johnson Law, LLC

Electronically Approved 1/24/25

Michelle Verdis

Special Assistant U.S. Attorney

Office of Program Litigation - 6

Office of the General Counsel

Social Security Administration